

April 15, 2020

VIA ECF

Honorable Valerie E. Caproni  
 United States District Court  
 Southern District of New York  
 40 Foley Square  
 New York, NY 10007

**MEMO ENDORSED**

USDC SDNY  
 DOCUMENT  
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Re: Chevrestt v. Barstool Sports, Inc., 1:20-cv-01949 (VEC)

Dear Judge Caproni:

We represent Plaintiff Angel Chevrestt ("Plaintiff") in the above-captioned case. We write in response to Defendant Barstool Sports, Inc. ("Defendant")'s letter, dated April 15, 2020 [Dkt. #12]. Plaintiff respectfully moves the Court to STRIKE Docket #12-1 from the record on grounds that it contains confidential financial information which was not to be made public by Defendant absent Plaintiff's consent.

A court has "inherent authority to strike any filed paper which it determines to be abusive or otherwise improper under the circumstances." *In re Bear Stearns Cos., Inc., Securities, Derivative, and ERISA Litigation*, 763 F.Supp.2d 423, 581 (S.D.N.Y. 2011) (citation omitted). Although a Protective Order has not been entered, Defense counsel is sophisticated and knows that licensing fee information is subject to confidentiality under any standard Protective Order in this District. Plaintiff produced that information with the reasonable expectation of confidentiality and Defendant has violated that confidence. Accordingly, Plaintiff respectfully requests that Docket #12-1 be stricken from record.

Plaintiff also emphasizes that, contrary to Defendant's representations to the Court, Plaintiff produced evidence regarding the licensing fee information pursuant to the Court's Order of March 5, 2020. If Defendant had questions concerning that evidence, it should have engaged in good faith with Plaintiff's counsel rather than running to the Court and seeking judicial intervention. Defendant's pattern of conduct in that regard is opportunistic and violates both the spirit and letter of the Court's Individual Rules of Practice.

Application DENIED without prejudice. If Plaintiff wishes to pursue this issue, he must explain, in detail, how the invoice, which merely reflects payment for unknown work on 4 days, discloses anything remotely confidential.

Respectfully submitted,

/richardliebowitz/  
 Richard Liebowitz

*Counsel for Plaintiff*

SO ORDERED.

*Valerie Caproni*

4/15/2020

HON. VALERIE CAPRONI  
 UNITED STATES DISTRICT JUDGE